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MISCELLANY.

Petitions for Rehearing.—In the following cases, petitions for rehearings are pending: *Chesapeake & O. R. Co. v. Shipp* (Va.), Nov. 17, 1910; *Chesapeake & O. R. Co. v. Wills* (Va.) 68 S. E. 395; *Clinchfield Coal Co. v. Viers* (Va.) 68 S. E. 976; *Clinchfield Coal Co. v. Wheeler* (Va.) 68 S. E. 1001; *Handley Board of Trustees v. Winchester Memorial Hospital* (Va.) Nov. 17, 1910; *Pollard v. American Stone Co.* (Va.) 68 S. E. 266; *Vicars v. Salyer* (Va.) 68 S. E. 998.

In the following cases, petitions for rehearing have been granted: *Atkinson, Adm'r, v. Solenberger* (Va.). Opinion filed Nov. 17, 1910. Granted; *Beury v. Davis* (Va.). Opinion filed Mar. 10, 1910. Granted June 9, 1910; *Hecksher v. Blanton* (Va.). Opinion filed Mar. 12, 1910. Granted June 9, 1910; *Yost v. Critcher* (Va.). Opinion filed Nov. 17, 1910. Granted.

Portugal.—One of the first Acts of the new Republican Government was to pass to a drastic reform of the Divorce Law. By the new law, which is issued by the Provisional Republican Government in the form of a simple decree, divorce can be demanded by either husband or wife on the same terms, or by both spouses together. Besides adultery, cruelty, insulting conduct, three years' desertion, incurable insanity, and inveterate gambling propensities are recognised as good grounds for divorce. The last provision is a novel feature in the European laws of divorce. The divorced wife will be entitled to marry again one year after the pronouncement of the decree, while the husband may marry again six months from that date. —London Law Journal.

The Increase in Crime.—Mr. Simpson's introduction to the newly-published volume of criminal statistics is an admirable piece of work, which fully deserves the wide attention it has received. It is certainly not a pleasing tale he has to tell. 'During last century the proportion of crime to population tended to fall,' he writes; 'during this century it has risen.' It is a disquieting fact. During the five years ending 1899 there was an annual average of 163 persons tried for indictable offences for every 100,000 of the population; in the succeeding quinquennial period the number rose to 172; during the five years ending 1909—the year with which the new volume of statistics deals—the number increased to 181. Mr. Simpson does not take too pessimistic a view of these figures, but some of the more sensational journals have perceived in them a significance calculated to unnecessarily disturb their law-abiding readers. The increase recorded in the latest volume of criminal statistics does not justify the alarming view expressed in some quarters that England is more criminal than it used to be. Forty years ago 277 persons were

tried for indictable crimes out of every 100,000 of the population. Notwithstanding, then, the regrettable increase of the past ten years, it remains true that, in proportion to the population, the amount of serious crime is one-third less than it was before the Education Act was passed. It is true that during the same period the proportion of non-indictable offences to the population has grown. During the five years ending 1869 the average number of persons tried for non-indictable offences was 1,969 for every 100,000 of the population, while during the five years ending 1909 the average number of such persons was 1,982. Even here, however, there is no real occasion for despondency. In 1875-1879 the annual average was 2,385; in 1885-1899 it was 2,152; in 1885-1899 it was 2,248. So that, while the proportion of indictable crimes has increased during the past ten years, the proportion of non-indictable offences has decreased during the same period. And it is always to be remembered in connection with the non-indictable offences that many of them are breaches of new municipal laws. For instance, there were 38,951 offences against the Education Acts in 1909, while there were, of course, none in 1869. The vast growth of vehicular traffic has a considerable influence upon the volume of non-indictable crime. Offences against the Highway Acts, which numbered but 15,066 forty years ago, have now increased to 61,556, and breaches of police regulations have risen from 44,494 to 103,628. There is, on the whole, no substantial ground for the belief that the world, as reflected in these statistics of crime, is growing worse.—London Law Journal.

Sentimentality and Criminality.—What are the reasons for the increase in criminality which has taken place during the past ten years? What, to put the question more correctly, is the explanation of the continuous decrease in the last century having been arrested? Mr. Simpson has some interesting theories on the matter, some of which deserve to be carefully considered by those desirous of reforming our penal system. The growth of an unwise compassion for officialism among sentimental persons; the glorification of the more daring and ingenious criminal in certain quarters of the Press; the romantic touch lent to dishonesty by the creation of such popular heroes of fiction as Raffles and Arsene Lupin; the loss in prison life of some of its terror for the evil-doer—these are the suggestions put forward by Mr. Simpson by way of explanation of the recent increase in criminality. The first and last of these suggestions, which are not unconnected, demand the most attention. It is a remarkable fact that the proportion of persons who go to prison in default of payment of fines has grown rapidly during the past ten years. In 1899, when 563,378 persons were sentenced to pay fines, 83,855 were imprisoned in default; in 1909, when 460,015 were sentenced to pay fines, 92,699 went to prison. In other words, the percentage of per-

sons imprisoned to persons fined grew from 15 to 20. These figures would certainly seem to indicate that imprisonment, as Mr. Simpson puts it, 'is coming to be regarded more as a misfortune than a disgrace.' It will obviously be a disastrous thing for the community if, by reason of a sentimental feeling towards criminality, or by unwise changes in our penal system, the terror of prison life is diminished, and it behoves both sentimentalists and reformers to bear in mind the lesson of the figures we have referred to. Not, of course, that the scientific and more humane treatment of crime is to be deprecated. On the contrary, the sociological and psychological study of crime is to be encouraged, and the more humane methods of punishment, such as those instituted by the Probation of Offenders' Act and the Borstal system, cannot fail, in the long run, to have a beneficial effect. But the good which will be done in this direction will certainly be impaired if mere sentimentality is allowed to play a prominent part in the punishment of crime.—London Law Journal.